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ABSTRACT

Interviews with people who write, direct, act, or otherwise work in television indicate that as television has reached toward larger and larger audiences its tendency to suppress creativity, diversity, and self-expression has also increased. Acquisition or network control over the creative process has caused prime time television to exhibit at least four dominant characteristics: 1) fear of controversy; 2) exaggerated commercialism; 3) self-censorship; and 4) a cultural lag between the realities of the world and television's view of society. Traditional attempts to diversify or improve programing creativity in the mass media often miss the mark. American television has eliminated much of the freedom necessary for creative accident and must discover ways to recreate it. (Author/PF)

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BARRIERS TO CREATIVITY IN TELEVISION ENTERTAINMENT PROGRAMMING

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BARRIERS TO CREATIVITY IN TELEVISION ENTERTAINMENT PROGRAMMING

> "The system seems designed to create lousy television -- the blandest, most mediocre. All writers want to get out of television. The best do."
>
> -- Hollywood writer (name withheld)*/

> "[T]elevision is, from one end to the other, from eight o'clock to eleven o'clock, a lie."
>
> -- David W. Rintels, President Writers Guild of America, West

There is tragedy in this. Our nation is increasingly dependent on and affected by television. Yet the creative people who work in the medium increasingly tell us that they are censored, their ideas distorted, their energies stifled, their talent wasted.

The thesis of this paper is that the creative vitality of our predominent communications medium is a factor that bears directly on our national health; that unique pressures distort and suppress creativity in television; and that new solutions will be required to reverse this trend. Because most Americans do the bulk of their television watching in "prime time" (approximately 8:00 to 11:00 p.m.), this paper will focus on entertainment programming during this period.

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*/ This paper draws on interviews with creative people who write, direct, act, or otherwise work in television. Many have asked for confidentiality out of fear of retaliation for their remarks. They will be quoted without attribution.

I. THE IMPACT OF TELEVISION

Scarcely more than a generation ago, television was an insignificant factor in our national life. Today, over 96 percent of American homes have at least one television set -- more homes than have refrigerators or indoor plumbing. The average television set is now turned on more than seven hours a day.

The average American child spends more time watching television than he or she spends in school. By the age of two, a majority of pre-schoolers can sing TV jingles -- by the age of three, this figure reaches 90 percent. Although in most nations of the world a majority of adults cannot identify photographs of their president, king or tribal chief, in the United States nine out of ten three-year-olds can identify Fred Flintstone.

These figures continue as a child grows toward adulthood. By the age of 16, the average highschooler has spent 14,000 hours in a classroom -- and 23,000 in front of a TV set. By the same age, that child will have witnessed almost one million TV commercials -- and vicariously participated in 13,000 televised killings.

Over 60 percent of adults now testify that television has become their principal source of news and information. The average adult now spends 37 minutes a day reading newspapers, 37 minutes reading magazines, and 220 minutes a day (3 hours and 40 minutes) watching television. These trends are rising. Today more people are watching television -- and watching it more; fewer people are reading newspapers -- and reading them less.

A survey conducted among university students revealed that[illegible] shortly after Governor Wallace was shot, all had heard this news -- but only 3 percent learned it from a newspaper. [illegible] 65 percent had first learned of the event from radio or television, and a remaining third heard of it from them.

The impact of television on individuals and societies is still not clear. Yet the burgeoning mass of psychological data is increasingly suggesting that television provides us with our principal news and opinion about the world; that television commercials inform us about products and shape our values while entertaining us to consume; that televised violence is making our society more aggressive; and that television watching is increasing the individual's sense of passivity and alienation in the world.5/

II. SUPPRESSION OF CREATIVITY

As television has reached toward larger and larger audiences, its tendency to suppress creativity, diversity, and self-[illegible] has also increased. The "business" of television has become the enemy of artistic freedom in entertainment programming. [illegible] network executive recently described his department's efforts as "a [illegible] defense against the creative community," and Gene Roddenberry, creator and executive producer of "Star Trek," complained:6/

> "The television writer-producer faces an almost impossible task when he attempts to create and produce a quality TV series.

5/ See, e.g., G. Comstock, Television and Human Behavior: A Guide to the Pertinent Scientific Literature (RAND, June [illegible]).

[illegible]

[illegible]

[illegible]

personal frustration, that personal problematic and the affect state that begin to initiate personal exploration or recovery.

But the dynamic of progressive recovery of the executive programming problematic process has its basis outside cognitive data dynamics, in certain self referencing problems, that experienced in an Existence:

> "When you take personal responsibility for personal power & self esteem, you are more likely to find your higher purpose, which is the connecting link between personal fulfillment and service to others. You will also find that you are more willing to take risks and persist when confronted with challenges. You will develop a spiritual awareness of the interdependence of all things. This is the secret to overcoming the obstacles that prevent success. You will learn how to handle your feelings. You will develop a sense of humor. You will learn how to deal with criticism. You will learn how to forgive yourself and others. You will learn how to be grateful for everything that happens to you. You will learn how to live in the present moment. You will learn how to be patient. You will learn how to be kind to yourself and others. You will learn how to be generous with your time, your energy, your money, your love, your compassion, your understanding, your forgiveness, your gratitude, your appreciation, your encouragement, your support, your inspiration, your motivation, your vision, your purpose, your passion, your enthusiasm, your joy, your peace, your happiness, your success, your abundance, your prosperity, your health, your wealth, your relationships, your career, your business, your finances, your education, your learning, your growth, your development, your evolution, your transformation, your enlightenment, your awakening, your realization, your self-actualization, your self-esteem, your self-confidence, your self-worth, your self-love, your self-acceptance, your self-respect, your self-image, your self-concept, your self-identity, your self-awareness, your self-knowledge, your self-discovery, your self-exploration, your self-expression, your self-creation, your self-transformation, your self-mastery, your self-empowerment, your self-liberation, your self-healing, your self-integration, your self-unification, your self-

> [a]n a given period of history, art expresses the meanings and trends which are as yet unconscious, but which will later be formulated by the philosophers, religious leaders, and scientists of the society. The arts anticipate the future social and technological development by a generation when the change is more superficial, or by centuries when the change, as the discovery of mathematics, is profound."*/

The artist thus predicts the future through his work, functioning like a "scout" or outrider who explores unknown territory ahead of a wagon train. A communications medium that deprives itself of these "scouts" will lose the flexibility to adapt to the future.

Because television has become one of our principal sources of news, cultural information, values and entertainment, it is essential that it operate with the maximum creativity and diversity possible. If creative writers, producers, directors, artists, and others who work in television can help us understand the present and peer into the future, then television must not blind us to what they have to say.

IV. BARRIERS TO CREATIVITY IN TELEVISION

American television, with its penchant for blandness, commercialism, middle-of-the-road orthodoxy, and self-censorship, seems incapable of allowing creative diversity to flourish within the medium. Before we can fashion "corrective" solutions, however, we must understand the structural and other barriers that cause this suppression of creativity. The following are several, though

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*/ R. May, Love and Will, p. 21 (1969)

by no means all, of the barriers to diversity and creativity that operate in commercial television:

A. Maximization of Ratings (Profits)

Despite the rhetoric and trappings of "public service" that surround statements by industry officials, television in this country is first and foremost a business. Michael Dann, former Program Vice-President for CBS, has commented:

> "[T]hese networks are operated primarily for profit goals. I mean they are not exactly a Salvation Army, and as a consequence . . . everything that motivates the network broadcaster today is how he can increase the profit position of his network."*/

In television, this business dynamic translates into the following equation: larger audiences increase advertising rates, which increase corporate profits, which increase stock dividends, which increase stock prices, which increase corporate salaries. The critical element in this chain is audience maximization. After years of study, the Federal Communications Commission's Office of Network Study concluded:

> "[T]he policies and practices of network managers . . . tended to substitute purely commercial considerations based on circulation and 'cost per thousand' for considerations of overall service to all advertisers and to the various publics, as the dominant motives in the plan and design of network schedules. In other words, network television became largely a 'slide rule' advertising medium principally motivated by a commercial concept."**/

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*/ Variety, March 3, 1971, p. 48. Former President was once quoted to similar effect: "We all understand that the public service aspects of television are somewhat exaggerated despite what they may claim because they have to be in it for the money, for the ads and so forth." See most recently, D. Halberstam, The Power and the Profits, Atlantic, Jan. & Feb. 1976.

**/ Television Network Program Procurement, Part II, Second Interim Report by the Office of Network Study in Docket No. 12782, at p. 218 (FCC 1965).

As Willie Morris put it in another context, "It all boiled down to the money men and the literary men. And, as always, the money men won."*/

This drive for profit-maximization suppresses diversity of television programming in several important respects. First, in contrast with the print media, profit maximization tends to suppress diversity in television. A newspaper wishing to increase its circulation, for example, can add a column or feature on gardening, book reviews, harness racing, or sports. Each time it does, a few additional readers buy the whole newspaper. Television viewers, however, do not "purchase" an entire broadcast day. Instead they pick and choose between individual programs on a half-hour or hour basis -- the newspaper equivalent of buying one page at a time. As a result, newspapers maximize audiences by diversifying their pages, while television networks maximize their audiences by narrowing each program to meet the desires of the largest possible audience. Minorities thus tend to be served by newspapers and ignored by television.**/

Second, networks emphasize the programming concept of "flow-through" -- the tendency of viewers to watch the same television channel from one program to another. If a network has a small audience from 8:00 to 8:30 p.m., then its audiences for following programs will be proportionately smaller. For this reason, networks avoid placing even popular and profitable programs

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*/ H. Mitchell, Harper's Editor Resigns, Washington Post, Mar. 5, 1971, p. B-1, col. 7.

**/ Chief Judge Bazelon makes this point in Banzhaf v. FCC, 405 F. 2d 1082, 1100 n. 76 (D.C. Cir. 1968).

in the proogramming stream whenever they can replace that program wiith one of greater mass appeal. The widely-acclaimed "Voice of Firestone," for example, was cancelled due to declining ratings --- even though Firestone wanted to keep the program for pre-tige rreasons and was willing to reimburse the network as though it was receiving the highest ratings. The network was afraid auddiencas for following programs would be too low.*/

Thiird, networks compete principally for mass audiences of a certaain demograaphic composition -- relatively young (18 to 39) women (or women with families) with larger purchasing power. Audiences with less money to spend -- such as the poor, or the elderly --- tend to be excluded, even though in numbers they may equal the audiences for "younger" shows. It was for this reason that "Lawrrence Welk" and "Gunsmoke" were cancelled. Their audiences remained hhigh, and the programs were popular, but the purchasing power of ttheir audiences had declined.

As a result of these factors, minority interests and tastes are too offten excluded from television attention. The young are preferred over the old; the urban dweller over the rural resident; the "averaage guy" over the "intellectual."**/ The drive for profits and ratinggs suppress creativity and diversity.***/

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*/ S. OOpotowsky, TV: The Big Picture, p. 82 (1961)

**/ The first pilot of "Star Trek" was rejected as "too cerebral," too involwed, too literate, and dwelt too much upon intangibles." "NBC felt the show would go over the heads of most of the viewers, that it reequired too much thought on the part of the viewer to understandd it." S. Whitfield & G. Roddenberry, The Making of Star Trek, p. 1124 (paper ed. 1968).

***/ Thuss, "CBS Reports" ran into ratings trouble because "only 10 milliom were watching." H. Rasky, Television, The Nation, Feb. 15, 1971, p. 218.

B. Commercial Pressures on Content

In 1928, the Federal Radio Commission warned:

> "[B]roadcasting stations are not given these great privileges by the United States Government for the primary benefit of advertisers. Such benefit as is derived by advertisers must be incidental and entirely secondary to the interest of the public." 2 F.R.C. Ann. Rpt. 169 (1928).

This message has been largely forgotten. Television is primarily a marketing device. It services other businesses by selling them audiences which it attracts and holds in a receptive state for the sponsor's commercial message. As one writer has concluded:

> "Commercial television is not an artistic endeavor, or even primarily an entertainment medium, but an industry that sells its products (the attention of audiences of varying sizes and demographies) to its customers (corporations with advertising budgets). . . . 'Art' creeps into this equation mostly as a form of institutional prestige, like the Dubuffet sculpture in front of the Chase Manhattan Bank."*/

Because the business of television is servicing advertisers, it follows that advertisers have pervasive influence over the content of the programs they sponsor. The mechanism for content control, however, takes various forms.

First, sponsors directly delete program segments (or refuse to buy advertisements) in shows that adversely mention its products. Thus, a breakfast food manufacturer removed the line, "She eats too much," from a play because it felt nobody could ever eat too much."**/ As one advertising executive explained to the FCC:

> "[I]f you have a client who sells bulk soap to laundries, you don't put on a show which

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*/ H. Hertzberg, Onward and Upward With The Arts: Naughty Bits, The New Yorker, Mar. 29, 1976, p. 69, at 76

**/ S. Opotowsky, TV: The Big Picture, p. 83 (1961)

> shows a laundry carefully covering buttons off shirts -- the laundries don't like it. If you are selling bread shortening to bakers, you don't put on a show which shows nefarious bakers who poison bread -- bakers don't like that. Similarly, if you have an automobile client, you scarcely put on a show in which the oil is shown to be of horrible quality so that machinery grinds to a halt halfway across the Atlantic. . . . I have known all three to appear in my own agency."*/

Today many network programs are created without knowing which sponsor will purchase time within it. For this reason, programs must be designed to avoid offending any potential sponsor -- a censorship proviso with breathtaking implications.

A second form of commercial pressure is the avoidance of controversy in programming. A controversial program may generate complaints against the advertiser's product. As a DuPont executive explained, "All these critics forget the point of the TV show -- to bring in extra customers. If you alienate one prospective customer with your TV show, it's a flop commercially no matter how successful it is artistically."**/ Even Norman Lear's recent "Mary Hartman, Mary Hartman," has been boycotted by some advertisers. Colgate-Palmolive and Campbell's Soup "have specifically instructed that when their messages are placed . . . ,the one place in the schedule to be avoided is anytime during "Mary Hartman."***/

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*/ S. Mehling, The Great Time Killer, p. 58 (1962)

**/ S. Opotowsky, TV: The Big Picture, p. 84 (1961); see Note The Maryland Decision, 17 U.C.L.A. Law Rev. 868, 870 (1970)

***/ No Soap On Soap, [MORE] J. Rev., April 1976, p. 6. One sponsor explained: "'We don't feel that it's an appropriate background to put an Anita Bryant commercial in . . . . She projects a certain image -- purity and wholesomeness -- in keeping with the character of the woman herself. It's just been a policy to spare Anita any embarrassment.' Ibid.

A third form of commercial pressure is the need to [illegible] could programming which might place the viewer in an environment [illegible] for the commercial. A viewer who has been depressed, [illegible] bored, saddened, entertained, or moved by a particular program cannot absorb the full impact of the sponsor's [illegible]. Marketing research has concluded that corrective programming is [illegible] sell products. Commercials contained in more "stressful" programs were "not as well learned as those in shows which had more of a lighter, happier [illegible] mood . . . more entertainment value."*/ One advertising executive found, for example, that "an emotional mystery show was inconsistent with the need to put the audience in the calm frame of mind necessary to receive and remember the . . . commercial."

Finally, commercial pressure operates on television programming to make the "life style models" in the shows consistent with those in the advertisements. Both the programming and the commercials require heavy [illegible] in programming, people are heavy [illegible] in commercials, products are.**/ Television programs hold out the allure of a desirable life style -- a world of rough horse, beautiful women, glamorous travel, fast cars, adventure and excitement. Quite surprisingly, the advertising world also suggests devices by which

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*/ Second FTC Invasive Report, supra, at p. 378.

**/ "The role of the man in these [advertisements] shows I is to be shown as battlefield and arbiter: he is never the hero. . . On the contrary, the product is: for the product has the power, by [illegible] to clean windows, banish the threat of bacteria from a child's bowels, demolish pimples. . . . When Mrs. Everyman discovers that a new detergent will actually rid the shower from her bathroom's mark disdain, she is telling us in effect that she has finished a new Monday morning here -- and that we can do likewise." J. M. Rohan, The Electronic Prophet: Religion and Media, p. 114 (1969).

[illegible]

A. [illegible]

[illegible]

> "[illegible]
> [illegible]
> [illegible]
> [

[illegible]

[illegible]

[illegible]

continue; restraints from traditional programming formats would persist; licensees would still be tempted to exchange controversial programming for economic security; and the pressure of bureaucracy toward conformity would remain. Indeed, splitting broadcast organizations into smaller and smaller components might also deplete the revenue pools which are necessary to finance high-cost television programming.

B. Increased Channel Capacity

Similar objections confront advocates of increased broadcast channel capacity, either through VHF drop-ins, UHF expansion, or cable television. The channel capacity of any particular market is limited by cost factors -- in particular, the size of the audiences and the costs of program production. At a certain point, audiences will not exist to support programming production at minimum cost levels. Extra channel capacity will not attract additional voices. More importantly, increasing the number of voices will again not eliminate the many forces that operate to suppress creativity -- such as the desire to maximize audiences or pacify advertisers. Indeed, new entrants in a market may be more susceptible to such pressures in their push toward economic stability.

C. Noncommercial Broadcasting

Noncommercial broadcast systems, including well-financed public television stations like WNET in New York and KCET in Los Angeles, together with government funding supplied by CPB and networking by PBS, offer a chance to by-pass some barriers

to creativity -- but not others. Noncommercial broadcast stations must still seek large audiences to maximize their membership contributions. Advertisers have less apparent sway over programming, yet many noncommercial stations are heavily dependent on funding grants from major corporations. Even educational stations fear the FCC and may be willing to compromise programming for the promise of regulatory security. The conformities of bureaucracy operate as effectively in the public sector as the private.

More significantly, noncommercial broadcasting in this country has failed to produce significantly creative breakthroughs. Public television stations, dependent on school boards, large foundations and wealthy individuals for support, are often more conservative than their commercial brethren.

D. Pay-TV and New Technologies

Pay television and new technologies (such as video discs) allow individual consumers to select and purchase programming free from the constraints of mass marketing, advertiser pressure, and the other creative barriers. Yet the high cost of program production may still curtail experimentation and diversity. Even in the motion picture and record industries, innovative entrants often have difficulty overcoming the conservatism produced by high budgets. More significantly, direct consumer purchasing of television programming may place a premium on wealth -- leaving the poorer viewers with lowest-common-denominator mass produced fare.

E. Programming Access

One solution, similar to the broadcast system in Holland, would be to separate the control of television programming from its financing. Thus, the commercial television networks might be required to make available several one-hour or two-hour programming slots each week, and provide a production budget out of their general revenues. They would, however, be deprived of all control over the production process. That, in turn, would be exercised by representatives of the creative community -- writers, producers, directors, actors, and others. The networks would then be required to broadcast the finished product without deletions.

There are many possibilities for distributing funds and control. For starters, the three talent guilds -- the Writers, Actors and Directors Guilds -- might alternate in producing programming for these network-created time vacancies. This process would supplement and not replace the existing commercial broadcast system.

Within these talent-controlled programs, the need for mass audiences and higher ratings would be diminished. Advertiser pressure would be non-existent -- or at least could not be translated through the networking process. Program formats would be open to experimentation. Governmental pressure would be diminished. And smaller, creative groups could function relatively free from the bureaucratic pressures of large network organizations.

CONCLUSION

Dennis Hopper, co-author, director and co-star of "Easy Rider," has remarked: "I believe what Cocteau said: 'Ninety-eight percent of all creation is accident, one percent intellect, and one percent logic.' I believe that: you must keep free for things to happen, for the accident -- and then learn how to use the accident."*/ American television has eliminated much of the "freedom" necessary for creative accidents. The challenge is discovering structural ways to recreate that freedom.

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*/ L. Carson, Easy Rider: A Very American Thing, Evergreen Review, Nov, 1969, pp. 24, 26.